

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**KELLY W. PETERS and
ANUAR NUNEZ,**

Defendants.

8:06CR400

ORDER

This matter is before the court on the motion for an extension of time by defendant Kelly W. Peters (Peters) (Filing No. 10). Peters seeks an additional forty-five days in which to file pretrial motions in accordance with the progression order (Filing No. 8). Peters has submitted an affidavit wherein Peters acknowledges that he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Peters's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **Further, the motion deadline will also be extended as to co-defendant Anuar Nunez.**

IT IS ORDERED:

1. Defendant Peters's motion for an extension of time (Filing No. 10) is granted. **Defendant Peters and Nunez** are given until **on or before February 27, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 11, 2007 and February 27, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearings tentatively scheduled for 2:00 p.m. on January 19, 2007, and the hearing tentatively scheduled for 1:30 p.m. on February 7, 2007, are **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 11th day of January, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge